

paragraph (b) of this section, every special Government employee shall submit a confidential statement of employment and financial interests.

(b) The requirement of paragraph (a) of this section may be waived for a special Government employee who is neither a consultant nor an expert and whose duties are such that disclosure of interests is not necessary to protect Government integrity. For the purpose of this subsection, “consultant” and “expert” have the meanings given those terms by Chapter 304 of the Federal Personnel Manual.

§ 1506.702 Time and place for submission of confidential statements.

Confidential statements of employment and financial interests shall be submitted to the OFI ethics officer not later than the commencement of employment of the special Government employee. Special Government employees shall keep their statements current throughout their employment with the agency by the submission of supplementary statements.

§ 1506.703 Custody and review of confidential statements; remedial action.

The confidential statements of employment and financial interests filed by special Government employees shall be kept in custody and reviewed in the same manner as are the confidential statements of regular employees. Special Government employees shall be afforded the same procedural safeguards as are regular employees in any remedial action taken against them.

PART 1530—REIMBURSEMENT OF COSTS

Sec.

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AUTHORITY: Sec. 9 of the Alaska Natural Gas Transportation Act, 15 U.S.C. 719g, secs. 102 and 202 of Reorganization Plan No. 1 of 1979, 44 FR 33663 (made effective by Executive Order 12142 of June 21, 1979, 44 FR 36927), sec. 28(l) of title I of the Mineral Leasing Act, 30 U.S.C. 185; and 31 U.S.C. 483a.

SOURCE: 46 FR 28397, May 27, 1981, unless otherwise noted.

§ 1530.1 Coverage.

(a) This part applies to the companies (or their agents) sponsoring the segments of the Alaska Natural Gas Transportation System (ANGTS) in the United States, as listed in the President’s *Decision and Report to Congress on the Alaska Natural Gas Transportation System* and as subsequently restructured, renamed, or otherwise changed, to the extent that they are also holders of rights-of-way or permits for use of federal land.

(b) This part also applies to companies sponsoring facilities which have been determined to be “necessary or related to” ANGTS, within the meaning of Section 9 of ANGTA, and thereby come within the OFI’s enforcement authority, to the extent that they are also holders of rights-of-way or permits for use of federal land.

(c) This part governs how the OFI will obtain reimbursement from the sponsoring companies described above in paragraphs (a) and (b) of this section for the costs incurred in certain of its ANGTS-related enforcement activities. It does not govern how any other federal agency might seek similar reimbursement from the sponsoring companies for ANGTS-related nonenforcement activities.

§ 1530.2 Reimbursable activities.

(a) The sponsoring companies shall reimburse the United States for the OFI’s costs incurred in enforcing ANGTS right-of-way and permit requirements on federal lands, as directly required by Section 28 of the Mineral Leasing Act.

(b) Enforcement, the costs of which are reimbursable under paragraph (a) of this section immediately above, entails monitoring and any other compliance or oversight activities reasonably related to the OFI enforcement process, as established by section 102 of Reorganization Plan No. 1 of 1979.

§ 1530.3 Costs to be reimbursed.

(a) The OFI will require reimbursement for the activities, defined by § 1530.2 as reimbursable, of the following OFI offices:

- (1) Engineering Review;
- (2) Environmental Review;
- (3) Permits and Compliance; and
- (4) Field offices located in:
 - (i) Anchorage, Alaska;
 - (ii) Fairbanks, Alaska;
 - (iii) San Francisco, California;
 - (iv) Irvine, California; and
 - (v) Omaha, Nebraska.
- (b) The specific costs of reimbursable activities are limited to the following:
 - (1) Employee costs for:
 - (i) Salaries;
 - (ii) Cost-of-living allowance (but only in Alaska);
 - (iii) Benefits;
 - (iv) Travel;
 - (v) Training; and
 - (vi) Household moves;
 - (2) Outside support costs for:
 - (i) Contractors;
 - (ii) Consultants; and
 - (iii) Interagency arrangements, whether pursuant to a:
 - (A) Delegation under section 202(a) of Reorganization Plan No. 1 of 1979; or
 - (B) Formal cooperative work sharing agreement under the Economy Act;
 - (3) Office expenses for:
 - (i) Relocation;
 - (ii) Supplies;
 - (iii) Rent;
 - (iv) Utilities;
 - (v) Communications; and
 - (vi) Machine rental;
 - (4) Material and equipment purchase or rental;
 - (5) Vehicle and aircraft purchase or rental;
 - (6) Any of the above or other support services provided by the sponsoring companies in the field on a cost recovery basis under logistical support agreements between the OFI and the sponsoring companies; and
 - (7) Cost to administer this part equal to a percentage (determined annually by the OFI in the context of § 1530.4(c)(1)) of the total costs under paragraphs (b)(1) through (6) of this section.

§ 1530.4 Billing procedures.

- (a) The OFI will present the sponsoring companies with a bill within 30 calendar days of the end of each calendar-year quarter for reimbursable costs incurred over that quarter for that seg-

ment of ANGTS or other facilities determined to be related to ANGTS.

- (b) The bill will include the following:

- (1) Total OFI expenditures incurred for the quarter, broken down by object class per OFI office;

- (2) A brief description of reimbursable activities undertaken for the quarter, broken down by OFI office;

- (3) The percentage of reimbursable to non-reimbursable activities for that segment of ANGTS, broken down by OFI office; and

- (4) A calculation of the reimbursement due for that quarter, computed by multiplying the total OFI expenditures, as per paragraph (b)(1) of this section, by the reimbursable percentage, as per paragraph (b)(3) of this section.

- (c) The reimbursable percentage used in paragraph (b)(3) of this section is determined as follows:

- (1) Prior to the commencement of each calendar year, the OFI will consult with the sponsoring companies to ascertain their project activities for the coming year, with special identification of activities requiring reimbursable OFI enforcement activities.

- (2) The OFI will then determine the reimbursable percentage for each OFI office by project segment.

- (i) That percentage will apply for the entire upcoming calendar year. It will not be adjusted unless extraordinary and unanticipated events materially and dramatically alter the OFI's reimbursable enforcement activities.

- (ii) The OFI will determine that percentage based upon the following factors:

- (A) Amount of federal land to be crossed;

- (B) Types of pre-construction or construction activities to be undertaken during that year;

- (C) Proportionate amount of time each OFI office will need to monitor those activities; and

- (D) Level of intensity for monitoring on federal lands as opposed to non-federal lands.

- (3) If a sponsor company intends to contest any of the reimbursable percentages, it may not do so until, but must do so when, it receives its first quarterly bill for the calendar year at

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issue. It must then follow the procedures set out in §§1530.5 and 1530.6 of this part.

§ 1530.5 Payment procedures.

(a) Payment of reimbursable costs should be made, as billed, to the OFI, specifically identified for U.S. Treasury Account Number 2469.

(b) Payment should be made within 30 calendar days of receipt of billing.

(c) The sponsoring company making payment under this Section should simultaneously notify the OFI Director of Financial Management of that payment.

(d) If the sponsoring company contests any part of the bill, rendered pursuant to §1530.4, it must nonetheless pay the uncontested balance, and then proceed under §1530.6 immediately below.

§ 1530.6 Protest procedures.

(a) If and when a sponsoring company contests any part of an OFI bill, as per §1530.5(d) of this part, it shall act pursuant to this section.

(b) The contesting company must append to its partial payment a petition fully justifying its action, including the following items:

(1) A clear description of the contested amount, with detailed reference, by cost category and office, to the OFI bill;

(2) A full explanation of the legal basis for contesting payment; and

(3) Where relevant, a counterstatement of the facts at issue.

(c) In its sole discretion the OFI may orally or in writing request further support for the petition contesting reimbursement, including convening an informal conference to explore the matter further.

(d) After reviewing the petition, along with any further information, the OFI, through its Director of Administration, will rule on the petition within thirty calendar days, notifying the petitioner in writing of the decision.

(1) If the Director accepts the contesting company's position and thus grants the petition, the partial payment previously rendered under §1530.5(d) will be deemed to satisfy

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fully the quarterly bill rendered under §1530.4.

(2) If the Director rejects the contesting company's position and thus rejects the petition, the petitioner:

(i) Shall make payment of the contested and previously withheld amount within thirty calendar days, and

(ii) May within thirty calendar days after payment appeal the Director's adverse finding to the Federal Inspector, pursuant to paragraph (e) of this section.

(e) The Federal Inspector or designee will render a final decision on any appeal of the Director's adverse finding within sixty calendar days of receipt, unless the appellant has failed to make full payment to the OFI, as per paragraph (d)(2)(i) of this section.

(1) If the Federal Inspector or designee grants the appeal, the OFI will either return to the appellant the contested payment within thirty calendar days or credit the appellant's next quarterly bill.

(2) If the Federal Inspector denies the appeal, the appellant may institute appropriate judicial action to recover the contested payment.

(f) If and when a contesting company refuses to make full payment following the Director's adverse finding on its petition (in contravention of paragraph (d)(2)(i) of this section), the OFI may stop work on any applications for regulatory approval submitted by the company and pending before the OFI under Reorganization Plan No. 1 of 1979. The schedule and cost consequences will be attributed to the noncompliant company.

(g) Notwithstanding paragraphs (a) through (f) of this section the company making full payment of reimbursable costs may undertake the following:

(1) Within seventy-five calendar days of receipt of the OFI quarterly bill, as per §1530.4, the company may request to conduct an audit of the bill.

(2) The company will complete that audit within ninety calendar days of the request and at its own expense.

(3) If, based on that audit, the company contests any part of the bill, it may petition for the return of the contested payments pursuant to the procedures set forth in paragraphs (b)

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through (e) of this section where appropriate.